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200 LARKIN CENTER

April 26, 2012

The Honorable Tory Rocca
Chairman, Senate Regulatory Reform Committee
State of Michigan

Dear Mr. Chairman:

Dow is opposed to HB 4561, which seeks to establish a new update timeline to our current building code revision process – a process that has been in effect since 1972. Today, our building code revision process is current with best practices across the United States. The process has allowed Michigan businesses that produce building technologies and construct our state's buildings to remain competitive during the past 40 years that our current code process has been in place.

Dow's concerns with the bill include: 1) its breadth and complexity and 2) its potential to delay our ability to bring emerging technologies and better installation techniques into the marketplace.

HB 4561 impacts our state's entire suite of building codes, including those that cover commercial and industrial buildings such as high rises, schools, hospitals and manufacturing facilities. The bill would put all codes on a "flex schedule", potentially creating a mix of three- and six-year intervals between code updates. We are concerned with the breadth of building codes this bill impacts and believe the variable update intervals will add complexity and potential for confusion.

As a manufacturer of building technologies, Dow supports the current three-year cycle in order to ensure our emerging technologies are routinely addressed within the code. Regular code updates are critical to support safe and trouble-free installation of our products. As technologies enter the marketplace or better building science delivers improved performance, we believe these advancements should be reflected in the code so that proper guidance is given uniformly to the building and construction industry. To illustrate, Dow's new POWERHOUSE® Solar Shingles, which generates electricity on a roof, also simultaneously provide a weather barrier to the home. This product, as well as other similar building integrated products, are part of a new generation of building technologies entering today's market that bring a new set of challenges because of their integrated functional nature. Proper installation is essential to ensure consumer safety while maintaining building performance and

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providing normal maintenance over time. Michigan's building codes need to adopt the proper guidance and reference standards to ensure safe installation and operation of these new technologies on a frequent basis. Pushing these new, necessary updates out for six years and relying only upon specific manufacturer guidance without the additional reference standards that are inherent in building code development is burdensome on manufacturers and will delay our ability to effectively bring these products to consumers.

As a Michigan-based company currently investing over one billion dollars in new construction of manufacturing facilities in Michigan and creating as many as a 3,000 new jobs in the Great Lakes Bay Region, we expect our highly qualified contractor base in Michigan to construct safe, reliable operating facilities. To do this, we expect them to use the most updated codes, which ensure the use of best practices and current industry standards.

Michigan's current three-year update cycle matches best practices in the U.S. today and aligns to the International Code Council's model code updates. We see no compelling reason for Michigan to change a process that is working well for our construction industry. Further, we have seen little evidence that cost savings will occur with passage of this legislation and in fact, we believe there may be more costs in managing a system of mixed three- and six-year update intervals than in maintaining a systematic three-year update for all codes.

We thank you for this opportunity to provide testimony in opposition to HB 4561 and would be happy to meet with you or members of your committee to discuss this issue further.

Sincerely,



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